


ORIGINAL

Approved: 

PATRICK EGAN

Assistant United States Attorney

Before: HONORABLE JAMES C. FRANCIS, IV
 United States Magistrate Judge
 Southern District of New York

13 MAG 2792

----- x
 :
 UNITED STATES OF AMERICA : SEALED

- v. - : COMPLAINT

ZACHARY JONAS, :
 : Violations of

Defendant. :
 : 18 U.S.C. §§ 1951(a),
 : and 2

: COUNTY OF OFFENSE:
 : BRONX
 ----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANA BELL, being sworn, deposes and says that she is a detective with the New York City Police Department ("NYPD") and charges as follows:

COUNT ONE

1. On or about July 20, 2012, in the Southern District of New York and elsewhere, ZACHARY JONAS, the defendant, and others known and unknown, unlawfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did attempt to thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JONAS and at least one other individual, attempted to commit an armed robbery of a commercial establishment that sold goods that had been manufactured and shipped in interstate commerce.

(Title 18, United States Code, Sections 1951(a) and 2.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I have been employed with the NYPD for approximately 12 years. I am currently a detective assigned to the Internal Affairs Bureau, Police Impersonation Squad, and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement agents, my conversations with witnesses and victims, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. I have spoken with an individual ("Victim-1") who was working inside a deli located at 1450 Gun Hill Road in the Bronx (the "Deli") on July 20, 2012, and have reviewed reports from other law enforcement agents who spoke Victim-1. From those conversations and those reports, I have learned, among other things, the following:

a. At approximately 10:30 a.m., two unidentified men entered the Deli, purchased a lotto ticket, and left the Deli. The first unidentified male ("UM-1") was a black male wearing a light-colored hooded sweatshirt and a light-colored hat, with salt-and-pepper hair and a chain around his neck. The second unidentified male ("UM-2") was a black male wearing dark-colored hooded sweatshirt, dark shorts and blue rubber gloves on both hands.

b. Immediately after leaving, UM-1 and UM-2 re-entered the Deli. As they came in, UM-2 removed the weight that was holding the door open and allowed that door to close. The door is made of glass and UM-2 stood by the closed door, looking up and down the block.

c. Meanwhile, UM-1 proceeded to the counter, pulled out a black pistol and pointed it at Victim-1. UM-1 then pulled out what appeared to be a small police-style shield that was attached to the chain around UM-1's neck. UM-1 said, in substance, to Victim-1, "I'm a cop. Give me your money."

d. Victim-1 refused to give UM-1 his money and started to scream for help. UM-1 and UM-2 ran out of the Deli with Victim-1 chasing behind them.

e. Victim-1 saw UM-1 run across the street and get into a black vehicle that then drove away. Victim-1 saw UM-2 flee westbound on foot on Gun Hill Road before turning right on Knapp Street and continuing to run on Knapp Street in the direction of Eastchester Road.

4. I have spoken with another police officer assigned to the Evidence Collection Team ("Officer-1") and have reviewed reports prepared by Officer-1. From that conversation and from those reports, I have learned, among other things, the following:

a. Officer-1 responded to the Deli after the above-described incident had taken place and participated in a canvas for evidence in the immediate area of the Deli.

b. Officer-1 found a pair of blue latex gloves (the "Gloves") near the corner of Knapp Street and Eastchester Road.

c. Officer-1 vouchered the Gloves and they were subsequently submitted for forensic testing.

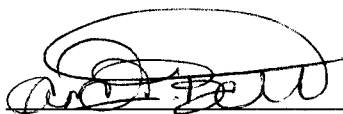
5. I have seen surveillance video taken inside the Deli during the above-described incident. It appears that the Gloves are of the same type and color as those worn by UM-2.

6. I have reviewed a report prepared by the Office of the Chief Medical Examiner for the City of New York ("OCME"). The report indicates that OCME was able to obtain a DNA profile from the Gloves. OCME compared that DNA profile to the database of DNA profiles maintained by New York State and found that the DNA profile matches the DNA profile belonging to ZACHARY JONAS, the defendant.

7. On or about November 22, 2013, I showed a photo array containing a picture of ZACHARY JONAS, the defendant, to Victim-1. Victim-1 chose the picture of JONAS and indicated that it was a picture of UM-2.

8. I have reviewed law enforcement reports regarding the above-described incident and from my review of those reports, as well as my training and experience, I know that the Deli sells goods that have been manufactured and shipped in interstate commerce.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of ZACAHRY JONAS, the defendant, and that he be imprisoned or bailed, as the case may be.



ANA BELL

Detective

New York City Police Department

Sworn to before me this
3rd day of December 2013



HONORABLE JAMES C. FRANCIS, IV
United States Magistrate Judge
Southern District of New York